

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re: : Case No. **1:10-bk-17461**
: Chapter 13
Teri Ann Bargainer :
: Judge Burton Perlman
:
Debtor. : **MOTION TO MODIFY PLAN**
:

Now comes the Debtor, by and through counsel, and respectfully moves this Court to modify the most recently confirmed plan on this case, as set forth hereinbelow. In support of the motion, Debtor submits the following:

1. A plan has been confirmed.
2. Date petition filed: October 29, 2010 Date last modification filed: N/A
3. Date plan confirmed: April 12, 2011 Date last modification confirmed: N/A

Dates of other modifications:

4. Length of Plan (months):

Current: 46

Proposed: 49

5. Monthly Plan Payments:

Current: \$120.00

Proposed: \$120.00 plus a lump sum payment of \$1,250.00

If the plan changes the monthly payments, then amended Schedules I and J are attached and will be filed with the Court.

6. Percent to Unsecured Creditors:

Current: 8%

Proposed: 16.9%

If the plan proposes to lower the plan percentage to unsecured creditors, then choose one of the following: N/A

- ____ Debtor(s) case was filed **prior** to October 17, 2005 and the new plan percentage is consistent with the liquidation analysis filed on _____(date), or Debtor(s) attach an amended liquidation analysis and will file it with the Court.
- ____ Debtor(s) case was filed on or after October 17, 2005, Debtor(s) were BELOW MEDIAN income at time of filing and the new plan percentage is consistent with the liquidation analysis filed on _____(date), or Debtor(s) attach an amended liquidation analysis and will file it with the Court.
- ____ Debtor(s) case was filed on or after October 17, 2005, Debtor(s) were ABOVE MEDIAN income at the time of filing with a **Negative DMI** on Form B22(c) and the new plan percentage is consistent with the liquidation analysis filed on _____(date) or Debtor(s) attach an amended liquidation analysis and will file it with the Court.
- ____ Debtor(s) case was filed on or after October 17, 2005, Debtor(s) were ABOVE MEDIAN income at the time of filing with a **Positive DMI** on Form B22(c) and the new plan percentage is consistent with the DMI X 60 calculation OR Debtor(s) provide evidence of change in circumstance pursuant to 11 USC §1329, if the plan percentage deviates from the requirements of Form B22(C) and 11 USC 1325(b)(1)(B).

7. Reason for the modification, including any changes in circumstances since last plan:

This Motion to Modify is being filed in conjunction with Debtor's Motion to Retain, Nunc Pro Tunc (Doc. 56). Debtor is proposing to pay off her Chapter 13 Plan and pay to the Trustee the equivalent of 59.42 Plan payments.

8. Details of effects of the modification on rights of creditors:

The proposed modification increases the proposed length of the plan.

The proposed modification does not change the amount of the plan payment.

The proposed modification increases the percentage dividend payable to unsecured creditors.

Below is a list of the affected Creditors, applicable plan paragraphs affected and proposed new plan treatment.

(NOTE: The following list is intended to include creditors specifically identified in modified plan provisions, and not to include creditors affected by changes respecting an entire class of creditors or all creditors.)

Creditor name:

Type of Claim: (____) secured (____) unsecured (____) priority (____) other

Nature of Claim:

Current Plan (Paragraph No. _____):

Proposed Plan (Paragraph No. _____):

WHEREFORE, Debtor prays for a modification of the current plan, and for such additional or alternative relief as may be just and proper.

/s/ Eric A. Steiden

Eric A. Steiden (OH: 0063978 KY: 88321)
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UNITED STATES BANKRUPTCY COURT - SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

In re: : Case No. **1:10-bk-17461**
Teri Ann Bargainer : Chapter 13
Debtor. : Judge Burton Perlman

NOTICE OF MOTION

Debtor has filed with the Court a Motion to Modify Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant or allow the relief sought in the motion, or if you want the Court to consider your views on the motion, then on or before **twenty-one (21) days** from the date set forth in the certificate of service for the motion/objection, **or within such shorter time period as the Court may order**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to: U.S. Bankruptcy Court, 221 East Fourth Street, Eighth Floor, Cincinnati, OH 45202, or your attorney must file a response using the court's ECF System.

The court must receive your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

STEIDEN LAW OFFICES
411 Madison Avenue
Covington, KY 41011

Teri Ann Bargainer
5370 Aster Park Drive, Apt. 912
Hamilton, OH 45011

U.S. Trustee
36 East Seventh Street, Suite 2030
Cincinnati, OH 45202

Margaret A. Burks, Trustee
600 Vine Street #2200
Cincinnati, OH 45202

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further hearing or notice.

Date of service: **August 26, 2014**

/s/ Eric A. Steiden

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CERTIFICATE OF SERVICE

I hereby certify that, on **August 26, 2014**, a copy of the foregoing Motion to Modify Plan was served on the following registered ECF participants, electronically through the Court's ECF System at the email address registered with the Court:

U.S. Trustee
Margaret A. Burks, Chapter 13 Trustee

and on the following by ordinary U.S. mail addressed to:

Teri Bargainer, 5370 Aster Park Drive, Apt. 912, Hamilton, OH 45011

/s/ Eric A. Steiden

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